

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

AVR GROUP, LLC, TRIDENT ASSET
MANAGEMENT, INC., MICHAEL
DZIURGOT, individually and as the
representatives of a class of similarly-situated
persons,

Plaintiffs,

vs.

ALEBRIJE ENTERTAINMENT, LLC,
CRAIG COLE, MATTHEW COLE,
GUSTAVO MONTAUDON, and John Does
1-10,

Defendants.

Case No. 1:24-cv-20755

**DEFENDANT MATTHEW COLE’S UNOPPOSED REQUEST FOR LEAVE TO FILE
INDIVIDUAL MOTION TO DISMISS**

Pursuant to the Court’s March 25, 2024 Order, Defendant Matthew Cole hereby files his request to individually file his *Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim for Relief* (the “Motion”). In sum, Plaintiffs’ scattershot Complaint takes generous liberties in stretching the facts and blending multiple jurisdictional and legal defects to try and create a “class action” to pursue indirect claims against unrelated parties¹ stemming from a Ponzi Scheme that is subject to a receivership order in *S.E.C. v. InMM Capital, LLC*, No. 2:21-cv-02927 (C.D.

¹ Matthew Cole and Craig Cole are father and son respectively, but the alleged actions have no relation or bearing on this familial connection.

Cali. 2021) (the “Receivership Matter”).² Based on the posture of the Receivership Matter, the limited factual allegations in the Complaint against Matthew Cole, and all other related cases highlighted in the Motion, Matthew Cole has unique jurisdictional and legal defenses that cannot be plead together with all other Defendants. Accordingly, Matthew Cole requests leave to individually file his *Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim for Relief*.

CONFERRAL CERTIFICATE

Undersigned counsel has conferred with all parties or non-parties who may be affected by the relief sought in the motion and all consent to the relief requested (i.e. all Defendants will be permitted to file individual Motions to Dismiss or other responsive pleadings).

Respectfully submitted,

/s/Michael J. Harwin

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² As will be detailed in the Motion to Dismiss, this action should be barred as being derivative to the Receivership Matter.